

# **Al Rajhi Bank**

## **Ex. 72**

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haefele, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA EMAIL

October 18, 2022

Matthew S. Leddicotte, Esq.  
White & Case LLP  
701 Thirteenth Street, N.W.  
Washington, D.C. 20005-3807

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Matt:

We write to follow-up on our September 26, 2022 meet and confer and several issues discussed during the conference that you promised to raise with your client and promptly revert back to us.

**1. JPMorgan Chase Bank's Response to Plaintiffs' June 13, 2022 Subpoena**

On September 16, 2022, counsel for JPMorgan Chase Bank ("JPMCB") advised the parties that JPMCB had retrieved approximately 235 pages of documents potentially responsive to Plaintiffs' June 13, 2022 subpoena, but cautioned that approximately 60 pages from that collection relate only to Arab National Bank. During the September 26 conference, Plaintiffs proposed eliminating the 60 pages relating to Arab National Bank from production, and asked whether ARB would agree to have the remaining 175 pages produced to the parties and forego filing the motion to quash previously contemplated by ARB. Please let us know your client's position.

**2. Outstanding Information Previously Requested From ARB**

During the September 26 conference, Plaintiffs also identified several important requests for information that were raised in some of our earliest meet and confers in 2021, but remain outstanding to this day. For instance:

- **ARB Departments** – You will recall that following Plaintiffs' requests for information concerning departments in operation at the bank during the relevant time period, you identified a

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number of departments in your January 14, 2022 letter at p. 1.<sup>1</sup> Plaintiffs promptly asked that ARB provide descriptions of the roles and functions of the departments to properly assess the feasibility of targeted searches for documents that were authorized by the Court's November 22, 2021 Order (ECF No. 7378). As discussed during the September 26 conference, Plaintiffs still have not received that information from your client.

- ARB Committees – Plaintiffs have also asked on multiple occasions for information concerning committees operating at the bank during the relevant discovery time period, including their functions and responsibilities, and the names of each committee member. Your January 14, 2022 letter at p. 1 indicated that ARB was working to confirm what committees existed at the bank during the relevant period. To date, Plaintiffs have not received that information.

- ARB Departments and Committees in Operation During the 2003-2004 Timeframe – During earlier meet and confers, Plaintiffs requested information concerning the creation of new departments and committees at ARB during the 2003-2004 period, given the investigations and regulatory actions taken at the bank following the terrorist attacks of September 11, 2001. That information remains outstanding.

- Relationship Managers Between ARB and the Da'wah Organizations and Other Individual Account Holders – Plaintiffs further asked ARB to produce information regarding the points of contact or interfaces between the large da'wah organization customers and ARB during the relevant discovery time period, as well as points of contact for other individual account holders for whom the Court has authorized discovery. That information is also outstanding.

- Zakat – We understand that ARB takes the position that there was no formal “Zakat Department” at the bank during the relevant period, but Plaintiffs have made multiple requests for information identifying where the authority and responsibility for zakat issues resided at ARB. Plaintiffs still have not received that information.

### 3. Redactions

We also raised concerns that ARB has unilaterally redacted massive amounts of information from the bank's document productions. As we discussed, ARB has redacted, inter alia, bank account numbers, banking card numbers, customer information (customer ID codes, mailing address, telephone numbers, etc.), passport information, and other relevant details. Given the protections afforded by the Confidentiality and Protective Order at ECF No. 1900, Plaintiffs do not see any valid basis for redacting this information. You explained that it was necessary to confer with your team on this issue. Please let us know ARB's position at your earliest convenience.

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<sup>1</sup> ARB identified the following departments: CEO Office, Finance Group, Human Resources Group, IT & Shared Services Group, Retail Banking Group, Sharia Group, Treasury Group General Manager Office, Corporate Banking Group, Consumer Finance, Alternative Channels, Sales and Network, Administration, Banking Operations, Corporate Credit Management, Credit Audit, Legal, and Risk Management Manager Office.

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**4. Electronic Mail**

ARB has represented to the Plaintiffs on multiple occasions since the commencement of discovery that the bank did not use email during the relevant time period. During the September 26 conference, however, you indicated for the first time that ARB may have in fact used email but needed to confer with your client before providing additional details. Please let us know your client's final position concerning email usage.

Best regards,

COZEN O'CONNOR

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*On behalf of the Plaintiffs' Exec. Committees*

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